

## Testimony By Keith A Cunningham

Director

Allen County,  
Ohio

Chairman Ehlers and members of the Committee on House Administration it is an honor to come before you. Thank you for allowing me to share my thoughts. My name is Keith Cunningham, and I currently serve as Director of the Allen County Board of Elections in Ohio. In addition to my current duties, I am the immediate past president of the Ohio Association of Election Officials and a member of the EAC Advisory Board.

One thing I think we all agree on is Electronic Voting Machines or DRE's must possess some sort of meaningful and accurate audit component if they are to be seriously considered part of our voting future. Of course all balloting systems must have components which allow for vote verification. However, the means by which we can verify hard ballot systems such as optical scan are obvious so I will confine my comments today strictly to DRE's.

Personally I do not have any particular aversion to Voter Verified Paper Audit Trails. However, I am adamantly opposed to any program such as Ohio's, which makes a VVPAT the official ballot of record for recount purposes. To consider the VVPAT a courtesy extended to the voter as a means by which to check their vote is a reasonable proposition, even though current data does not indicate voters utilize such tools when available.

The thought that VVPAT's are reliable enough to be used as an official ballot for recount purposes is simply wrong in my opinion. I witnessed this first hand when I participated in the ESI audit of approximately 350 VVPAT tapes from the 2006 Primary Election in Cuyahoga County Ohio. Time and time again during this exercise the counting teams encountered VVPATs, the voted paper ballot produced by DRE's, which were either missing entirely or missing votes because of printer errors. The ESI study concluded:

15% of  
the VVPAT's reviewed required a secondary count.

1.4% of the VVPAT cartridges exhibited missing ballots.

16.9% of VVPAT tapes showed a discrepancy of 1-5 votes.

2.1% showed a discrepancy of over 25 votes.

9.66% of the tapes were either destroyed, blank, missing, taped together or otherwise compromised.

My point in all of this is that the PAPER requirement on the DRE caused discrepancies in vote totals;

- Because the paper record was the "official" vote it now disenfranchised voters because their votes are lost to the process even though we could faithfully retrieve them from the electronic record.

- The paper caused the count to be in question because there weren't enough of the paper records to match the

actual voter's votes due simply to the fact these paper systems are not ready for real time use.

- Failures of equipment caused by the paper requirements complicated the process for poll workers and VOTERS alike.

Additionally, there is no technologically reliable means by which to count VVPAT's. Several manufacturers indicate they have them in production but I have never witnessed one in successful operation and I don't know anyone who has. Thus, the methods currently employed to recount VVPAT's are makeshift at best.

## AUDIT of VVPAT

### Election Science Institute Audit of VVPAT

#### Cuyahoga County Ohio 2006 Primary Election

One of the obvious reasons for this is VVPAT was an afterthought in electronic voting. Most State VVPAT regulations were promulgated after local boards had made the decision to purchase DRE's. In some cases expensive computerized voting systems have simply been retrofitted with cheap printers with nothing more than a hope their results can be matched. The fact is, the printer technology currently being utilized for VVPAT printing is woefully inadequate. Without significant and probably expensive improvement in this technology the goal of matching a VVPAT to its' electronic counterpart most likely will not be achieved.

I have no reason to believe that DRE's do not record votes accurately other than theories that some sort of manipulation could occur and I have absolutely no knowledge of that actually happening. That is not to say we should rely on them absent of some sort of auditing standards. However, I am convinced the VVPAT is not that standard.

In considering the overall issue of machine security we must remember that the parallel goals of access and security are actually opposite goals in most traditional applications. Usually when we want to secure something we limit access. In contrast when something is accessible, the accepted norm is that security is going to be somewhat sacrificed. Considering the antithetical nature of these two goals I believe the election administrators across America are doing "a pretty darn good job." Can it be improved? Yes. Is it being improved? Absolutely!

I believe it is the environment, which is slowing the pace of improvement. Today, Election Officials find themselves in crossfire. That crossfire is a polluted conversation about what is really happening. The conversation is being polluted by political interests, corporate interests and scientific one-up-man-ship. It is a dialogue where fiction becomes fact and myth becomes legend. In Ohio for instance, no one even bothered to consider that the exit polls could be wrong!

"Discrepancies between early exit poll results and popular vote tallies in several states may be due to a variety of factors and do not constitute prima facie evidence for fraud in the current election"

INTERM REPORT ON ALLEDGED IRREGULARITIES IN THE UNITED STATES PRESIDENTIAL  
ELECTION OF 2 NOVEMBER 2004

THE NATIONAL RESEARCH COMMISSION ON ELECTIONS AND VOTING

A PROJECT OF THE SOCIAL SCIENCE INSTITUTE

22 December 2006

Ladies and Gentlemen, we need your help. HAVA needs to be completely funded immediately so what has been initiated can be completed. Universal, realistic standards must come forth sooner than later so that we are all speaking the same language. And when we speak, we must pledge to purge our conversation of misrepresentations and half-truths and focus ourselves on honest debate about the future of our elections in America. It is far too important to expect less.

Again, thank you for the opportunity to share these thoughts with you.

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Keith A. Cunningham C. E. R .A.

Professional experience

Allen County  
Ohio

Director, Board of Elections 1998-present

Additional professional experiences

City of Lima, Ohio

Member, Lima  
City Council 1987-1991

President, Lima  
City Council 1992-1998

Martin Printing Company, Lima,  
Ohio

Owner, Managing Partner

Professional memberships

Ohio  
Association of Election Officials

President - 2005

Member, Board of Trustees

The Election  
Center

C.E.R.A. Program Graduate

Professional appointments

Ohio Secretary of State

Election Systems Study Committee (2000)

Voter File Update Committee (2001)

Ohio  
Association of Election Officials

Education Committee (2003-2004)

Board of Trustees

President - 2005

The Election  
Center

National Election Reform Task Force

United States  
Election Assistance Commission

Advisory Board